

The Gazette of India

EXTRAORDINARY

PART II—Section 2

PUBLISHED BY AUTHORITY

No. 29] NEW DELHI, FRIDAY, AUGUST 30, 1957/BHADRA 8, 1879

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 30th August, 1957:—

Bill No. III of 1957

A bill further to amend the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Act, 1957. Short title.

2. After section 3 of the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, the following sections shall be inserted, namely:— Insertion of new sections 4 and 5.

“4 (1) The Central Government may by notification in the Official Gazette, declare any ancient and historical monument or archaeological site and remains to be of national importance, and every such notification shall come into force on the date of its publication in the Official Gazette. Power to issue notification declaring ancient and historical monuments and archaeological sites and remains to be of national importance.

(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before both Houses

of Parliament for a period of not less than thirty days which may be comprised in one session or more than one session and shall be subject to such modifications as Parliament may make during the said period.

Power to annul the declaration of ancient and historical monuments and archaeological sites and remains to be of national importance.

5. The Central Government may, if it deems so necessary, by notification in the Official Gazette, annul the declaration of any ancient and historical monument or archaeological site and remains to be of national importance:

Provided that a draft of every notification proposed to be issued under this section shall be laid before both Houses of Parliament for a period of not less than thirty days which may be comprised in one session or more than one session, and the notification shall not be issued if before the expiration of that period resolutions disapproving the proposal to issue the notification are passed by both Houses of Parliament.”.

STATEMENT OF OBJECTS AND REASONS

In the Seventh Schedule to the Constitution, entry 67 of the Union List as amended by section 27 of the Constitution (Seventh Amendment) Act, 1956 provides for the declaration of ancient and historical monuments and archaeological sites and remains to be of national importance "under law made by Parliament" as well. This Bill seeks to enact the necessary legislation to enable the Central Government to make such declarations or to annul them under the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951 (LXXI of 1951). It also provides for the laying of all such notifications before both Houses of Parliament so that they will be subject to proper scrutiny by Parliament itself.

RAGHUBIR SINH.

EXPLANATORY MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill proposes to insert new sections 4 and 5 in the principal Act. By the proposed section 4 the Central Government is empowered to declare by notification any ancient and historical monument or archaeological site and remains to be of national importance. By the proposed section 5 the Central Government is empowered to annul by notification the declaration of any ancient and historical monument or archaeological site and remains to be of national importance. But every notification or draft notification, as the case may be, to be issued under either of these proposed sections is required to be laid before both Houses of Parliament and as such will be subject to proper scrutiny by Parliament itself.

S. N. MUKERJEE,
Secretary.